

# COVINGTON

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By ECF

February 5, 2016

The Honorable Carol Bagley Amon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Landau, et al. v. Rheinold, et al., No. 15 Civ. 4811 (CBA) (VMS)

Dear Chief Judge Amon:

We write on behalf of the petitioners (“Petitioners”) in the above action. Petitioners respectfully request that this Court, having considered the Petition to Confirm Arbitration Award (the “Petition”) and there being no opposition to the Petition, confirm the arbitration award in accordance with the Federal Arbitration Act, 9 U.S.C. § 9. A proposed order granting this relief is enclosed as Exhibit A.

Petitioners filed the Petition on August 17, 2015. Attached to the Petition, consistent with 9 U.S.C. § 13, were the parties’ written arbitration agreement, which reflects the selection of arbitrators, and the arbitral award.

Petitioners have served 613 of the 618 respondents in this proceeding. All 613 of these respondents’ time to respond to the Petition has expired. The 613 respondents include:

- A total of **572** respondents residing in the Eastern District of New York who were served on August 20, 2015, August 21, 2015, and August 24, 2015 (Affidavit of Service, ECF No. 22)<sup>1</sup>;
- An additional **10** respondents residing in the Eastern District of New York who were served on September 9, 2015 (Affidavit of Service, ECF No. 26-1), and October 14, 2015 (Affidavit of Service, ECF No. 30);
- **1** respondent residing in London who was served on August 21, 2015 (Affidavit of Service, ECF No. 23);

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<sup>1</sup> Service via mail at their last known addresses was returned for 2 additional respondents whom Petitioners also attempted to serve in late August 2015, Yakov Berger and Menachem Mendel Weisz. Petitioners have been unable to find new addresses for these 2 respondents, and Petitioners do not seek to confirm the Petition as to these 2 respondents.

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- **12** respondents residing in the Southern District of New York who were served by the U.S. Marshals Service on October 21, 2015 (Petitions Returned Executed, ECF Nos. 45, 48-50, 52-53, 56, 58-59, 61-62, 64);
- **10** respondents residing in the District of New Jersey or the Southern District of New York who were served by the U.S. Marshals Service on October 23, 2015 (Petitions Returned Executed, ECF Nos. 34, 35, 36, 47, 54-55, 57, 63, 65-66);
- **2** respondents residing in the District of Maryland who were served by the U.S. Marshals Service on October 27, 2015 (Petitions Returned Executed, ECF Nos. 42, 43);
- **3** respondents residing in the District of New Jersey who were served by the U.S. Marshals Service on December 31, 2015 (Petitions Returned Executed, ECF Nos. 67, 68, 69);
- **1** respondent residing in the District of New Jersey who was served by the U.S. Marshals Service on January 12, 2016 (Petition Returned Executed, ECF No. 70);
- **1** respondent residing in the Southern District of New York who was served by the U.S. Marshals Service on January 12, 2016 (Petition Returned Executed, attached as Exhibit B); and
- **1** respondent residing in the Southern District of New York who was served by the U.S. Marshals Service on January 14, 2016 (Petition Returned Executed, attached as Exhibit C).<sup>2</sup>

One respondent initially filed a letter in opposition to the Petition (Reply In Opposition to Petition, ECF No. 25), but this filing was then withdrawn (Letter from Baruch Eisenberg to Chief Judge Amon, ECF No. 31). None of the other 612 respondents who have been served in this case have opposed confirmation of the arbitration award, and their deadlines to respond have expired.

Accordingly, Petitioners respectfully request that this Court confirm the arbitration award as against the 613 respondents who have been served with the Petition.

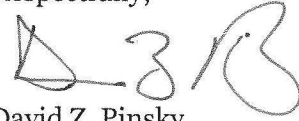
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<sup>2</sup> The executed service forms at Exhibits B and C to this Letter were provided to Petitioners by the U.S. Marshals Service via email on January 29, 2016. As of the date of this Letter, those forms have not yet been filed in this action and thus are attached hereto as exhibits. Also, the U.S. Marshals Service was unable to serve 3 out-of-district respondents before the January 15, 2016 deadline for service set by the Court—Benzion Avrum Goldfinger (residing in the Southern District of New York), Mendel Goldfinger (residing in the District of New Jersey), and Nuchem Yisroel Twerski (residing in the District of New Jersey). As discussed in note 1, service via mail was returned for an additional 2 respondents residing in the Eastern District of New York—Yakov Berger and Menachem Mendel Weisz. Petitioners do not seek to confirm the Petition as to these 5 respondents.

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Respectfully,

A handwritten signature in black ink, appearing to read 'DZP', with a stylized flourish at the end.

David Z. Pinsky

Enclosures

cc: All Respondents (By First Class Mail)